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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,625

08/28/2003

Yuichi Seki

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11/14/2005

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EXAMINER

VANNUCCI, JAMES

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,625

Applicant(s)

SEKI, YUICHI

**Examiner**

Jim Vannucci

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al.(6,560,256) in view of Abe(6,757,311).

Claim 1, figure 1 of Seki discloses a multi-laser device with a first laser chip(1a), a second laser chip(1b), and a common back beam sensor(1c) for the first and second laser chips.

Seki does not disclose using laser chips from the same lot, the sensor being a back beam sensor or a package containing the lasers and the sensor.

Using laser chips that are produced from one and the same wafer lot is obvious over the disclosure of Abe(col. 3, lines 53-54) to improve yield as disclosed in Abe(col. 3, lines 63-65).

Figure 8A of Abe discloses a package containing laser chips(14a) and a sensor that is a back beam sensor(12).

Claim 4, figure 6 of Seki discloses a multi-laser device that is used in an electro-photographic apparatus and image-exposes a charged photosensitive member(62).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to use the above referenced elements of Abe in the device disclosed in Seki for improved reliability and yield as disclosed in Abe(abstract).

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki in view of Abe as applied above, and further in view of McCaul et al.(5,625,189).

Seki and Abe do not disclose a wavelength difference tolerance for the disclosed lasers.

Claim 2, figure 2 of McCaul discloses operating a diode laser in a range of +/- 1.2 nm to obtain a highly monochromatic radiation source(col. 6, lines 33-37).

Claim 3, a positional accuracy for light emitting points of the laser chips as recited can be obtained given the temperature control disclosed in McCaul(fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to operate the lasers disclosed in Seki and Abe in a narrow wavelength range so less power is needed by the laser as disclosed in McCaul(abstract).

Response to Arguments

4. Applicant's arguments filed September 23, 2005 have been fully considered but they are not persuasive.

5. Abe does not specifically state that laser chips from the same wafer lot are to be used in the disclosed device. However, Abe does disclose that the laser diodes are formed on the same substrate(col. 3, lines 53-54). Since laser chips in the same wafer lot are formed on the same substrate, and forming laser chips in wafer lots is very well

known in the art; the disclosure of Abe concerning forming the laser diodes on the same substrate would include the case where the laser chips are formed in the same wafer lot since forming laser chips in wafer lots is a well known method of forming laser chips on a common substrate. It is not required that the motivation disclosed in Abe for forming the laser diodes on a common wafer be the same as applicant's motivation.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jim Vannucci whose phone number is (571) 272-1820.

Art Unit: 2828

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications only may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 872-9306.



James Vannucci